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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/407,053    09/27/99    PALINKAS

R    D-6394

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PM82/0307

EXAMINER

PEZZLO, B

ART UNIT

PAPER NUMBER

3613

DATE MAILED:

03/07/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/407,053

Applicant(s)

PALINKAS, RICHARD L.

Examiner

Benjamin A Pezzlo

Art Unit

3613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment received 02 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carlston (US 4,998,997) in view of Platkiewicz (US 4465799) and further in view of Curtis (US 5036774) and Spencer et al. (US 5086707).

Carlston discloses a side bearing unit for a railroad car including a first housing 56 having an exterior surface and defining a bore extending at least part way through the first housing, a first load bearing member coupled to the housing (col. 3 lines 32-34) and defining an outwardly facing first abutment surface and a second housing 32 defining a bore of a shape similar to the exterior surface of the first housing and adapted to slidably receive the first housing therein, a second bearing member 42 coupled to the second housing and defining an outwardly facing second abutment surface opposite to the first abutment surface (col. 3 lines 3-6 and col. 4 lines 34-36), and a biasing means 36 for urging the first and second load bearing members away from one another in response to a load being imposed upon at least one of the first and second abutment surfaces.

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Carlston does not disclose at least one slip lining positioned between the first housing exterior surface and a bore wall defining the second housing bore. Platkiewicz et al. disclose a low friction slide lining composition and a method of producing the slide lining composition. Curtis et al. disclose a long travel side bearing for an articulated railroad car, see Fig. 6, including spacers 64, 65 and Spencer et al. disclose self adjusting constant contact side bearings for railcars, see Fig. 4, including shims 100, 102. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a slip lining as taught by Platkiewicz et al. between the first housing and a bore wall defining the second housing bore in order to "improve utilization of slide surfaces" (Platkiewicz et al.: col. 1 lines 59-60). Curtis et al. and Spencer et al. provide further motivation to combine Carlston and Platkiewicz et al. Specifically, Curtis et al. teach that it is desirable to "permit sliding of the top cap member around the sleeve member" (Curtis et al.: col. 4 lines 66-68), and Spencer et al. teach that it is desirable to "automatically adjust and compensate for wear between cap and base parts" (Spencer et al.: col. 1 lines 57-58).

Re claim 2, see Carlston: spring 38 in Fig. 2.

Re claim 3, see Carlston: Fig. 3.

Re claims 4-6, see Carlston: col. 2 lines 19-26.

Re claim 7, see Carlston: Fig. 7.

Re claim 8, see Carlston: Fig. 2.

Re claim 10-12, see generally Platkiewicz et al. col. 1 lines 19-23.

Re claims 13-14, see Platkiwicz et al. col. 3 line 40.

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*Conclusion*

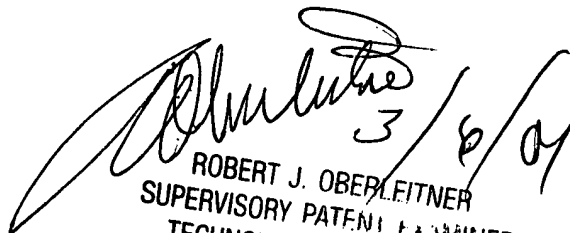
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Donnell, Harrison, Anderson ('037 and '678), Paton, Paton et al., Shulz et al., James, Morini, Aarons et al., Toms, Jr., and Brooke-Hunt et al. disclose similar devices. Bryan, Pitchford, Cope, King, Magowan, Oelkers, Paton et al., and Grandy also disclose similar devices.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A Pezzlo whose telephone number is (703) 306-4617. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Oberleitner can be reached on (703) 308-2569. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-3519 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

BAP  
February 28, 2001

  
3/8/01  
ROBERT J. OBERLEITNER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600